

REMARKS

As of the date of the Office Action, claims 7-11, 13-15, 23-26, 28, 29 and 40-122 were pending in the present application. Claims 40-80 have been withdrawn. Claims 101-120 have been canceled. The claim objections and rejections under 35 U.S.C. 112 are addressed herein. No new matter has been added. Applicants believe that the present application as amended is now in condition for allowance of which prompt and favorable action is respectfully requested.

Claim Withdrawal

In accordance with the statements on page 2 of the Office Action, claims 40-80 have been labeled as withdrawn.

Claim Objection

Claims 81-122 were objected to because of informalities.

Indentations have been added to each element of claims 81, 91, 100-101, 111 and 120-122.

Claim 89 has been amended to define “n.” Claim 99 has been similarly amended. Specification support is found in paragraph 0031 of US 2004/0179626 (Published version of the present application).

Claim 121 has been amended to delete the element “for feeding the plurality of portions to a plurality of orthogonal sequence covers” and to replace it with the element “a plurality of orthogonal sequence covers for receiving the plurality of portions of the second modulation symbol sequence” as suggested in the Office Action on page 3. Applicants thank the Examiner for the suggestion.

Accordingly, Applicants respectfully request the withdrawal of the claim objections.

35 U.S. C. 112 Rejection

Claims 101-121 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Claims 101-120 have been canceled.

Applicants respectfully assert that the elements of claim 121 are support in Figure 4 and its associated text of the present application US 2004/0179626. Figure 4 and paragraph 0059 refer to a QAM which is a modulator for Quadrature Amplitude Modulation. Figure 4 and paragraphs 0056-0061 refer to an Alamouti transmit diversity (Alamouti blocks 406, 408) which is a diversity encoder. Figure 4 shows a bit stream 401 which is described in paragraph 0057 lending support to a bit stream supplier.

Claims 96, 98 and 99 (by its dependency on claim 98) have been amended to correct the antecedent issues raised in the Office Action.

Thus withdrawal of the 112 rejection is respectfully requested.

ALLOWABLE SUBJECT MATTER

Applicants thank the Examiner for indicating the allowability of claims 7-11, 13-16, 23-26 and 28-29 and that claims 81-95, 97, 100 and 121-122 would be allowable if amended to overcome the objections set forth. As the amendments made herein are believed to resolve the outstanding objections of the rest of the pending claims. Thus, all the pending claims are now believed to be allowable.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Applicants do not believe that any fees are due regarding this amendment. However, if any fees are required, please charge Deposit Account No. 17-0026. Applicants encourage the Examiner to telephone the Applicants' attorney should any issues remain.

Respectfully submitted,

Dated: September 15, 2010

By: /Kenneth Vu/
Kenneth Vu, Reg. No. 46,323

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5106
Facsimile: (858) 658-2502